

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ERNEST BOB SHUEMAKE, #2231044           §  
VS.   §                   CIVIL ACTION NO. 6:18cv349  
BOTIE HILLHOUSE, ET AL.                   §

ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Ernest Shuemade, an inmate currently confined at the Byrd Unit within the Texas Department of Criminal Justice, (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above styled and numbered civil rights lawsuit. Shuemade is complaining about alleged constitutional violations occurring at the Henderson County Jail. The complaint was referred to the United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On July 16, 2019, Judge Mitchell issued a Report, (Dkt. #34), recommending that Defendants' motion to dismiss, (Dkt. #28), be granted and that Plaintiff's claims against the Henderson County Sheriff's Department be dismissed, with prejudice. Judge Mitchell recommended that Plaintiff's remaining claims against the other Defendants proceed. A copy of this Report was sent to both parties; return receipt requested. The docket reflects that Plaintiff received a copy of the Report on July 31, 2019, (Dkt. #35). However, to date, no objections to the Report have been filed.

Because no objections to Judge Mitchell's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual

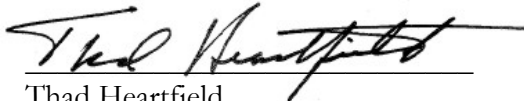
findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #34), is **ADOPTED** as the opinion of the court. Further, it is

**ORDERED** that Defendants' motion to dismiss, (Dkt. #28), is **GRANTED**. Plaintiff's claims against the Henderson County Sheriff's Department are **DISMISSED**, with prejudice. Plaintiff's claims against the remaining Defendants will proceed before the Court.

**SIGNED** this the 22 day of **August, 2019**.

  
Thad Heartfield  
United States District Judge